



THE CITY OF SAN DIEGO

February 26, 2003

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SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

John R. Odermatt
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Mr. Odermatt:

Subject: Comments to Tentative Order R9-2003-0001 Revising Order No. 97-11

Thank you for the opportunity to review the draft Tentative Order R9-2003-0001 revising order 97-11 and addenda thereto. We have the following comments:

-It is unclear what list of sites must comply with this new tentative order. Suggest attaching the list to this draft order.

-This proposed revision requires additional work, primarily "Assessment of Interim Cover Requirements" for sites that are inactive or closed. Generally, sites such as these do not generate revenues to fund such additional proposed work, therefore Paragraph 22, item "g," on page 5 of the tentative order which cites "Economic considerations" has not been taken into account. If this cover assessment requirement is adopted, we recommend that the frequency of performing this assessment be extended to every twenty years in order to reduce the cost of compliance.

-The justification cited in this tentative order to require the "Assessment of Interim Cover Requirements" is insufficient. We propose that this requirement be applied only to those sites where evidence such as groundwater monitoring shows that contamination has occurred due to leachate or percolation of precipitation thru wastes.

-Page 10, paragraph C-19: existing rules and laws make the "Assessment of Interim Cover Requirements" unnecessary. NPDES requirements allow for little or no silt runoff from these sites and BMP's are already a part of the existing WDR; Air Pollution Control District Rule 59 does not allow methane emissions to exceed 500PPM at the surface. Just these two rules alone ensure that adequate cover must exist, and that erosion is controlled. There is no direction here of what constitutes a "technical assessment." What is an acceptable grid spacing for assessment? How deep should an investigation go? Some sites have over one hundred acres in area; this assessment could be very expensive if some cost control measures are not specified. Economic considerations of this measure have not been addressed in this tentative order.

-The threat category "T" addressed in page 2, paragraph 7 should only be applied to those sites proven to be leaking. The SWAT results cited in Paragraph 6 could be used to assign this threat category **ONLY TO THOSE SITES PROVEN TO BE LEAKING.**

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This is also an economic issue, as the designation "I-B" threat to water quality leads to a \$16,875./yr/site permit fee and this is an economic hardship for small inactive sites with no revenue stream.

- Page 2, paragraph 10: requiring new WDR's for soil stockpiles is unnecessary regulation, would add expense, and thereby would discourage the addition of soil cover to these older, inactive sites. The accumulation and reuse of stockpiled soils is often driven by economics. As for erosion control, BMP's for these sites are already required and would apply to any soil at the site, including stockpiles. If BMP's are in place, timely reuse of the stockpiles should not be an issue. If this paragraph is retained, then a "stockpile" should be defined, such as minimum number of cubic yards, length of time in place, etc.
- Page 7, paragraph C-1 gives six months from adoption of this order to submit a current or updated cover maintenance plan. The previous draft R9-2002-0315 gave until June 1, 2004 and this is preferable. Maps required by this section showing gas systems, cover features, BMP's, etc, are not available for all sites and would require sufficient time to create.
- Page 8, paragraphs "f" thru "h" require descriptions and maps that would already be part of the NPDES permit which many of these sites have. To prevent a duplication of effort and unnecessary files, we request an exclusion from these requirements for those sites with NPDES permits in place.
- Page 9, paragraph 8, the October 31st date should be stated as a "goal." The San Diego region is drier than many other regions of the State. Dry years could provide additional time to stage construction among many sites, thus saving expense.
- Page 11, paragraph D-4 it is unclear why there should be a public noticing requirement for stockpiles? Perhaps this paragraph is intended to go under section C for general maintenance requirements. This public noticing requirement is untenable for those sites that are within public parks and already have names associated with them related to their park use; or have managers and associated contact information related to the site's *park use*.
- Page 11, paragraph D-6, other methods besides plastic sheeting should be allowed for temporary soil stockpiles. BMP's include a wide range of methods to control erosion, dust, or other nuisances. Examples include mulch cover, tackifier agents, and straw mats to name a few. In general, additional requirements such as this one for stockpiling will only discourage the placement of additional cover at these inactive sites due to added costs and complexity.
- Page 12, paragraph 5, Financial Assurance...how should small inactive sites with no revenue streams be funded? Economic considerations of this measure have not been addressed in this tentative order.

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-Page 6 of the MRP, item 4, Interim Landfill Cover Assessment is to be performed every 4 years but page 10, paragraph C-19, says every 5 years? Also, requiring field measurements during the time frame May-June conflicts with the gnatcatcher breeding season of February thru September. Some sites have gnatcatcher habitat on some portions of the cover that prevents disturbance during this period.

The following comments are from our consultant, GeoLogic Associates:

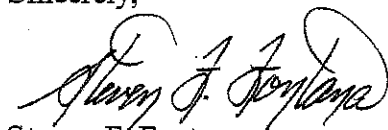
-Page 3 of the MRP, Item A.9.g: MDLs and PQLs are laboratory-derived values that may be changed as part of Standard Operating Procedures for routine instrument calibration studies. It is recommended that the second sentence of this provision be worded to read: "In the event that a Monitoring Parameter (MPar) MDL and/or PQL change, *other than from a change associated with routine laboratory instrument calibration studies*, the discharger shall highlight"

-Page 4 of the MRP, Item C.4: This item should be removed from the M&RP. It is not practical to measure an immiscible layer on groundwater if the well is equipped with a dedicated pump. Further, unless the groundwater chemistry indicates significant measurable concentrations of light non-aqueous phase liquids (LNAPLs), which in our experience are not commonly associated with landfills, there is no reason to suspect the development of an immiscible layer.

-Page 8, Item D.4.f: The requirement to provide an assessment of the effectiveness of the cover is unclear. Thin covers may be less effective compared with thick covers, but the level of effort expected by the RWQCB is uncertain (e.g. quantitative versus qualitative evaluation). More clarification may be needed on this aspect of the evaluation.

If you require further information on these comments you may contact Mr. Ray Purtee at (858)-573-1208.

Sincerely,



Steven F. Fontana
Deputy Environmental Services Director
Disposal Division

RAP/gbm

cc: Ray Purtee, Senior Mechanical Engineer, Environmental Services/Disposal Division
Michael Thompson, Project Officer II, Environmental Services/Disposal Division